

## **AMENDMENTS TO THE CLAIMS**

This listing replaces all prior versions and listings of claims in the application.

### **Listing of Claims**

1. – 25. (Canceled)

26. (New) A material for encapsulating a therapeutic and nutritional agent that is storage unstable, wherein the material is the product of a process comprising the steps of:

- (A) treating a starch to increase the number of sugar reducing groups in the resulting treated starch;
- (B) forming a dispersion of a film forming protein and the treated starch in an aqueous phase;
- (C) mixing the agent with the dispersion to form a mixture; and then
- (D) homogenizing the mixture to obtain an emulsion,

such that the treated starch and the film forming protein form a protective shell around the agent during the homogenizing step, which shell allows release of the agent in the gastrointestinal tract.

27. (New) The material of claim 26, wherein the process further comprises spray drying the emulsion.

28. (New) The material of claim 26, wherein the film forming protein includes milk proteins.

29 . (New) The material of claim 26, wherein the agent comprises at least one from the group consisting of lipids, oil soluble, and oil dispersible ingredients.

30. (New) The material of claim 26, wherein the starch comprises resistant starch.

31. (New) The material of claim 26, wherein the starch comprises waxy maize or wheat starch.

32. (New) The material of claim 26, wherein step (A) occurs by microfluidisation.

33. (New) The material of claim 26, wherein step (A) occurs by ultrasonics.